App. F. IX-4

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File No. 2-4

Serial Nos. 38

Later References.

Legis 2-40 (49)

(8)

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. One only

Part B for November 1940.

SUBJECT.

Amendment to Defence of India Rules

WD 0573—GPB—22,500—12-9-39

B B Chanchlani

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Amendment of Defence of India Rules

General and Revenue Secretariat | File No. | of 194 . | [App. F. III-2

Serial No.

From

The Secretary to the Govt. to Resident

7-3-40/W and 7-3-40(2)/W dated 18th inst. regd.
forwarding certain amendments to Defence of India Rules.
Submitted for orders with a draft notification
publishing them for general information.

May be approved.
20/11

Law Secy)

20/11

Issue
20/11

Issued Notification F.2/11-Leg/40-38 dated
21st November regd. to the Commissioner.

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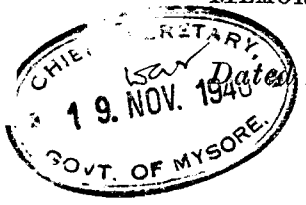
FROM

THE SECRETARY
TO THE HON'BLE THE RESIDENT IN MYSORE.

To

The Chief Secretary to the Government of
His Highness the Maharaja of Mysore,
Bangalore.

MEMORANDUM No. F.3-40/W.



Dated Bangalore, the 18th November *1940*.

The Defence of India Rules.

Attention is invited to notifications by the Government of India, Defence Co-ordination Department, Nos.530-OR/40 and 516-OR/40, dated the 26th October 1940, copies of which are enclosed.

SECRETARY TO THE RESIDENT.

KRY

THE HON'BLE THE RESIDENT IN MYSORE.

NOTIFICATION.

No. F. 3-40/W, dated Bangalore, the 7th November 1940.

The following notifications of the Government of India, Defence Co-ordination Department, Nos. 580-OR/40 and 516-OR/40, dated the 26th October 1940, are republished.

A. MACANN,
Secretary to the Resident.

DEFENCE CO-ORDINATION DEPARTMENT.

NOTIFICATION.

New Delhi, the 26th October 1940.

No. 580-OR/40.—In exercise of the powers conferred by section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the following further amendment shall be made in the Defence of India Rules, namely:—

In rule 26 of the said Rules, after sub-rule (5A), the following sub-rule shall be inserted, namely:—

"(5B) If the Central Government or the Provincial Government, as the case may be, has reason to believe that a person in respect of whom that Government has made an order under sub-rule (1) directing that he be detained has absconded or is concealing himself so that such order cannot be executed, that Government may make a report in writing of the facts to a Presidency Magistrate or a Magistrate of the first class having jurisdiction in the place where the said person ordinarily resides; and thereupon the provisions of sections 87, 88 and 89 of the Code of Criminal Procedure, 1898, shall apply in respect of the said person and his property as if the order directing that he be detained were a warrant issued by the Magistrate."

A. DEC. WILLIAMS,
Secretary to the Government of India.

DEFENCE CO-ORDINATION DEPARTMENT.

NOTIFICATION.

New Delhi, the 26th October 1940.

No. 516-OR/40.—In exercise of the powers conferred by section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the following further amendment shall be made in the Defence of India Rules, namely:—

In rule 54 of the said Rules,—

(1) For sub-rule (1), the following sub-rule shall be substituted, namely:—

"(1) The Central Government or the Provincial Government may, by general or special order, prohibit, restrict or impose conditions on, the possession, carrying, use, sale or other disposal of—

(a) arms or articles capable of being used as arms;

(b) ammunition;

(c) substances (hereinafter referred to as explosive substances) which are, or are declared to be, explosives within the meaning of the Indian Explosives Act, 1884."

(2) In sub-rule (2),—

(a) after the word "arms" wherever it occurs, the words "articles capable of being used as arms," shall be inserted;

(b) in clause (b),—

(i) the words "or other articles" wherever they occur shall be omitted;

(ii) for the words "ammunition, explosive substances" the words "ammunition or explosives substances" shall be substituted;

(iii) after the words "carried by him", the words "which such officer or other public servant suspects to be possessed or carried" shall be inserted.

A. DEC. WILLIAMS,
Secretary to the Government of India.

731 (2)—18-11-1940—15—RPB.

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FROM

THE SECRETARY
TO THE HON'BLE THE RESIDENT IN MYSORE.

To

The Chief Secretary to the Government
His Highness the Maharaja of Mysore,
B a n g a l o r e.

MEMORANDUM No. F.3-40(2)/W.

Dated Bangalore, the /8th November *194* 0.

The Defence of India Rules.

Attention is invited to notifications by the Government of India, Defence Co-ordination Department, Nos.591-O.R./40 and 592-O.R./40, dated the 2nd November 1940, copies of which are enclosed.

SECRETARY TO THE RESIDENT

THE HON'BLE THE RESIDENT IN MYSORE.

NOTIFICATION.

No. F. 3-40(2)/W, dated Bangalore the 15th November 1940.

The following notifications of the Government of India, Defence Co-ordination Department, Nos. 591-OR/40 and 592-OR/40, dated the 2nd November 1940, are republished.

A. MACANN,
Secretary to the Resident.

DEFENCE CO-ORDINATION DEPARTMENT.

NOTIFICATION.

New Delhi, the 2nd November 1940.

No. 591-OR/40.—In exercise of the powers conferred by section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the following further amendment shall be made in the Defence of India Rules, namely :—

After rule 90A of the said Rules, the following rule shall be inserted, namely :—

90B. "Restriction on export of money.—

(1) In this rule "money" means any coin or currency note which is legal tender in British India or elsewhere, and includes bills of exchange.

(2) No person shall, except with the permission of the Reserve Bank of India or of a person authorised in this behalf by the said Bank, take or send out of British India to a place or country outside India and Burma money in excess of such amount as may be specified in this behalf by the said Bank.

(3) Any person who on any occasion is about to leave British India for a place outside India and Burma (which person is hereafter in this rule referred to as "the traveller") shall, if on that occasion he is ordered so to do by an Officer of Customs,—

(a) declare with full details the money he has with him, and

(b) produce for the inspection of the officer the money, and the permission, if any, granted in pursuance of sub-rule (2).

(4) Any Officer of Customs, and any person acting under the directions of such officer, may—

(a) examine or search any article which the traveller has with him, for the purpose of ascertaining whether he is conveying or has in his possession any money in contravention of the provisions of this rule ;

(b) if he has reasonable ground for suspecting that the traveller has about his person any money which he has not produced for inspection, search the person of the traveller ;

(c) seize any money produced for inspection under sub-rule (3) or found upon examination or search under this sub-rule, being money which the traveller has in his possession in contravention of the provisions of this rule :

Provided that no female shall be searched in pursuance of the provisions of this sub-rule, except by a female.

(5) If, upon his being ordered to make a declaration or to produce any money under the provisions of sub-rule (3), any person knowingly makes a declaration which is false or not true, or fails to produce the money, he shall be deemed to have contravened the provisions of this rule.

(6) Any money seized in pursuance of the provisions of this rule, shall be disposed of in such manner as the Central Government may by general or special order direct.

(7) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to five years and shall also be liable to fine."

A. DEC. WILLIAMS,
Secretary to the Government of India.

DEFENCE CO-ORDINATION DEPARTMENT.

NOTIFICATION.

New Delhi, the 2nd November 1940.

No. 592-OR/40.—In exercise of the powers conferred by section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the following further amendment shall be made in the Defence of India Rules, namely:—

In rule 84 of the said Rules,—

(1) in sub-rule (3) for the words "by or under the order, the import or export, or the carriage coastwise or the shipment as ships' stores of all goods or goods of any specified description", the following shall be substituted, namely:—

"by or under the order,—

(i) the import, export, carriage coastwise or shipment as ships' stores of all goods or goods of any specified description;

(ii) the shipment of fresh water on sea-going vessels";

(2) in sub-rule (4), after the words "of any goods", the words "or any shipment of fresh water" shall be inserted, and after the words "such goods" the words "or as the case may be such fresh water" shall be inserted.

A. DEC. WILLIAMS,
Secretary to the Government of India

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

No. P.271 Legis 2-40-38 (Draft)

General and Revenue Secretariat,

Dated Bangalore, 21.11.1940

NOTIFICATION.

The following Notifications of the Government of India, Defence Co-ordination Department, are hereby republished for general information.

By Order,

H. Narayan Rao
20/11/40

Secretary to Government,
Law Department.

To

The Compiler, Mysore Gazette, for publication in Part IV and sending 100 spare copies to this office very early.

SR/8